

REMARKS

Applicants note that the Examiner made a provisional obviousness-type double patenting rejection over claims in U.S.S.N. 10/913,922. But a terminal disclaimer with respect to U.S.S.N. 10/913,922 was filed in the present case on August 23, 2006; a copy is enclosed. Thus, applicants respectfully request that the rejection be withdrawn.

Applicants have amended claim 2 to address the 35 U.S.C. §112, ¶2 issue raised by the Examiner.

Claim 22, 23, 27-30, 32-25, and 49-52 were rejected under 35 U.S.C. §102(b) in view of Passaniti et al., U.S. Pat. 6,001,508 ("Passaniti"). Passaniti discloses an AgO cathode including about 6% to 18% by weight AgBiO₃ as a coating to lower impedance. See col. 3, lines 48-55 and Fig. 1. Claim 22, the only independent claim rejected in view of Passaniti, has been amended to exclude silver from the claim using the "hole in the claim" format found acceptable, for example, in In re Johnson, 558 F.2d 1008, 1017-19 (C.C.P.A. 1977). Dependent claim 27 has been amended to exclude AgBiO₃ from the Markush group and dependent claim 52 has been cancelled. As a result, applicants respectfully request that the 35 U.S.C. §102(b) rejection based on Passaniti be withdrawn.

The cathode described by Passaniti is a specific type of cathode that uses a coating of AgBiO₃ to lower the impedance of the AgO cathode. There is no suggestion to use anything other than AgBiO₃ as the coating. Thus, Passaniti's teachings have no relevance to cathodes including other types of primary active materials. Applicants have added new independent claim 53, which specifies that the cathode includes AgBiO₃ and at least 50% by weight of manganese dioxide and/or NiOOH. Support for the 50% by weight lower limit can be found on page 8, line 22. Applicants included the 50% by weight lower limit because Passaniti teaches that only small amounts (2%-12%) of cathode additives such as manganese dioxide and NiOOH should be included in this cathode. See col. 4, lines 9-14. Thus, Passaniti does not suggest that either of these materials be used in the cathode in larger quantities. In fact, including larger quantities would (eventually) turn the cathode into something other than an AgO cathode.

New claims 54-57 depend directly or indirectly from claim 53.

As discussed above, Passaniti's AgO cathode includes only a coating of AgBiO₃, and Passaniti is clear that the cathode should include no more than 18% of AgBiO₃ by weight. New

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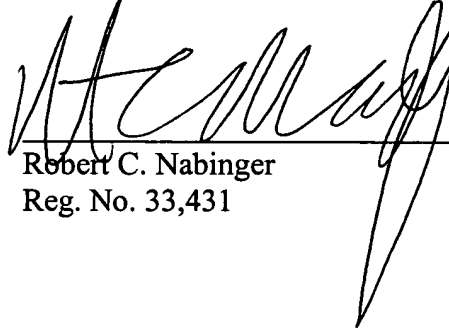
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independent claim 58 is directed to a cathode that includes at least 30% of AgBiO_3 by weight. Support for this claim can be found on page 9, lines 16-20 of the application. Passaniti does not disclose or suggest a cathode including this much AgBiO_3 .

New claims 59-63 depend directly or indirectly from claim 58. Claim 63 requires at least 40% of AgBiO_3 by weight; support for this claim can be found on page 9, lines 16-20 of the application.

Enclosed is a \$550.00 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Nabinger', is written over a horizontal line. The signature is stylized and cursive.

Robert C. Nabinger
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